

expired.

Litigants are also obligated to comply with Court orders. See generally Fed. R. Civ. P. 41(b) (district court may dismiss an action “[f]or failure of the plaintiff to prosecute.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order). Before dismissing a case for failure to prosecute, a district court must consider the following factors: “(1) the plaintiff’s degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal.” Hillig v. Comm’r of Internal Revenue, 916 F.2d 171, 174 (4th Cir. 1990).

Plaintiff has not complied with the Court’s Orders to respond to Defendant Melin’s Motion to Dismiss, or to the Order to Show Cause why this action should not be dismissed for lack of prosecution. It appears that Plaintiff, who is no longer incarcerated, has abandoned this action. This action will therefore be dismissed without prejudice. The pending Motions are denied as moot.

IT IS, THEREFORE, ORDERED that:

- (1) This action is **DISMISSED** without prejudice for Plaintiff’s failure to prosecute pursuant to this Court’s Orders dated March 13, 2018, and May 15, 2018.
- (2) The pending Motion to Dismiss, (Doc. No. 32), and Motion for Hearing, (Doc. No. 33), are **DENIED** as moot.
- (3) The Clerk of this Court is directed to terminate this action.
- (4) The Clerk is instructed to mail a copy of this Order to the U.S. Marshals Service.

Signed: June 25, 2018



Frank D. Whitney
Chief United States District Judge

